



MILLE LACS BAND OF CHIPPEWA INDIANS
Judicial Branch of Tribal Government

COURT OF CENTRAL JURISDICTION
 COURT ORDER 007

In the matter of procedures for arraignment hearings.

The following rules shall apply for arraignments.

Before the Court accepts a plea of guilty, the defendant shall be sworn and questioned by the Court with the assistance of counsel as to the following:

1. What is your name, age and date and place of birth.
2. Do you understand the charge(s) against you.
3. a. Have you had sufficient time to discuss the case with your legal officer.
- b. Are you satisfied that your ^{legal officer} attorney ~~is~~ ^{has} had fully informed ~~you~~ ^{you} to the facts of the case, and that your ^{legal officer} ~~attorney~~ ^{will} ~~has~~ represented your interests and fully advised you.
- c. If defendant does not have a legal officer, ask if they are employed. If no, then tell defendant a legal officer will be appointed. ^{IF} ~~IF~~ ^{yes,} ~~yes,~~ ^{give defendant 30 many days (7) to obtain} ~~yes,~~ ^{counsel at his/her} ~~yes,~~ ^{own expense.}
4. Have you been told by your ^{legal officer} ~~attorney~~ and understand that you will not have a trial by either a jury or by a judge without a jury if you plead guilty.
5. Have you been told by your ^{legal officer} ~~attorney~~ and understand that if you wish to plead not guilty and have a trial by jury or by a judge, you will be presumed to be guilty until your innocence is proven beyond a reasonable doubt.



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b. Have you been told by your ^{legal official} attorney, and understand that if you wish to plead not guilty and have a trial, the prosecutor will be required to have the witnesses testify against you in open court in your presence, and that you will have the right, through your attorney, to question these witnesses. ^{legal official}

7. a. Have you been told by your ^{legal official} attorney and understand that if you wish to plead not guilty and have a trial, you will be entitled to require any witnesses you think are favorable to you to appear and to testify.

b. Do you waive this right. ^{IS yes,} Have defendant state in his/her own words what right he has just waived.

8. Has your ^{legal official} attorney told you and understand that the maximum penalty that the Court could impose for the ^{violation} crime with which you are charged (taking into consideration any prior conviction or convictions) is imprisonment for 180 days.

9. Has your ^{legal official} attorney told you and ^{you} understand that if your plea of guilty is for any reason not accepted by the Court, or is withdrawn by you with the Court's approval, or is withdrawn by Court Order or appeal or other review, that you will stand trial on the original charge (charges) against you namely, (state the offense), ~~(which would include any charges that were dismissed as a result of the plea agreement with your attorney and that the prosecution could proceed just as if there had never been any agreement.~~

10. a. Have you been told by your ^{legal official} attorney and understand that if you wish to plead not guilty and have a jury trial, you can testify if you wish, but if you decide not to testify, neither the prosecutor nor the judge could comment to the jury about your failure to testify.

b. Do you waive this right, and agree to ^{Have the defendant state in his/her own words what right he has just waived. I accept your waiver} tell please tell the Court about the facts of the ~~crime.~~ ^{violation}

11. With knowledge and understanding of your rights, do you wish to enter a plea of guilty or do you wish to plead not guilty ^{or do you wish to plead no contest.}

12. Do you make any claim that you are innocent.

13. Are you under the influence of intoxicating liquor or drugs or under mental disability or under medical or psychiatric treatment *at this time.*
14. Have you any questions to ask or anything to say before you state the facts of the ~~crime~~ *violation*.
15. What is the factual basis for your plea.

IT IS SO ORDERED

Tony Weous

Tony Weous
Chief Justice.
Court of Central Jurisdiction

DATED at Vineland,
Minnesota on the
24th day of August,
1983.

OFFICIAL SEAL